

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

August 19, 2022

VIA ECF

The Honorable Katherine H. Parker
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312
Email: Parker_NYSDChambers@nysd.uscourts.gov

Re: *Bettis v. L. N'Diaye et al.*, No. 21 Civ. 07496 (VEC) (KHP)

Dear Judge Parker:

This Office represents Defendants Lamine N'Diaye, Robert Beaudouin, Nathaniel Bullock, Carlos Perez, and Erskine Walkes (collectively the "Federal Defendants") in this *Bivens* action commenced by the *pro se* Plaintiff Zubearu Bettis. I write respectfully to make two requests.¹

First, I respectfully request a 45-day adjournment of the telephonic settlement conference currently scheduled for August 24, 2022, at 2:00 p.m. The reason for the request is that although the Federal Defendants promptly sent to Plaintiff a medical authorization form for his signature authorizing the release of his medical records from the Westchester County Department of Corrections on July 12, 2022, as ordered by the Court on July 11, 2022, this Office did not receive a signed medical authorization form until today. The Federal Defendants need Plaintiff's medical records from the Westchester County Department of Corrections in order to evaluate the settlement demand made by Plaintiff during the July 11, 2022 Initial Case Management Conference and to determine their position at the telephonic settlement conference. This is the Federal Defendants' second request to adjourn the telephonic settlement conference.

Second, I respectfully request a 60-day extension of deadlines in the briefing schedule of Defendants' anticipated motion to dismiss Plaintiff's First Amended Complaint. The reason for this request is that counsel for the Federal Defendants needs additional time to prepare the Federal Defendants' anticipated motion, while also discussing Plaintiff's settlement demand with the Federal Bureau of Prisons. Accordingly, I respectfully request that the deadline for the Defendants' opening brief be extended from August 25, 2022, to October 24, 2022, that the deadline for Plaintiff's opposition brief be extended from November 25, 2022, to January 24, 2023, and that the deadline for Defendants' reply brief be extended from December 23, 2022, to February

¹ Given that Plaintiff is incarcerated, the Federal Defendants did not confer with Plaintiff regarding his position as to these requests.

21, 2023. This is the Federal Defendants' first request for an extension of the deadlines of the briefing schedule for the Defendants' anticipated motion to dismiss the Plaintiff's First Amended Complaint.

I thank the Court for its attention to this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Elizabeth J. Kim
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The telephonic settlement conference in this matter currently scheduled on August 24, 2022 at 2:00 p.m. is rescheduled to **Monday, October 24, 2022 at 10:00 a.m.** Defendants must send the person with decision making authority to settle the matter to the conference. In light of the Plaintiff's confinement, the parties are not required to submit a Settlement Conference Summary Report prior to the conference.

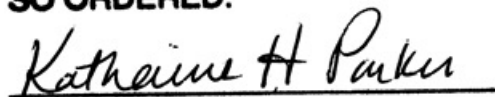
It is ORDERED that the Warden or other official in charge of the USP Canaan Correctional Facility produce plaintiff Zubearu Bettis, INMATE #92404-054, on October 24, 2022, no later than 10:00 a.m., to a suitable location within the Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in the conference. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234.

Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the USP Canaan Correctional Facility to arrange the call and determine the telephone number at which the Plaintiff will be reachable at the above time and date; and (3) telephone Judge Parker's teleconference line at (866) 434-5269, Access code: 4858267, with Plaintiff on the line, at the time and date of the settlement conference. Chambers will email Defense Counsel a teleconference security code prior to the conference.

Additionally, the deadline for Defendants' motion to dismiss and related opening brief is extended from August 25, 2022, to **October 25, 2022**; the deadline for Plaintiff's opposition brief is extended from November 25, 2022, to **January 25, 2023**, and that the deadline for Defendants' reply brief is extended from December 23, 2022, to **February 22, 2023**.

The Clerk of Court is respectfully requested to mail a copy of this order to Plaintiff at the following address: Zubearu Bettis, USP CANAAN - U.S. PENITENTIARY, P.O. Box 300 Waymart, PA 18472.

SO ORDERED:



HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 8/22/2022